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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

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I. General

1. The Falkland Islands (Malvinas)[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres (4,700 square miles). The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are considered a separate Territory and are administered from the Falkland Islands (Malvinas); the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the results of a census conducted in April 2001, the population of the Territory is 2,391 (not including an estimated 112 residents temporarily absent and 534 military personnel), up from 2,221 in 1996.

II. Constitutional and political developments

A. Constitution and Government

2. Detailed information on the Constitution and Government of the Falkland Islands (Malvinas) is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

3. On 22 November 2001 general elections were held for eight members of the Legislative Council, five from the Stanley constituency and three from Camp (the countryside outside of Stanley), for a four-year term. On the same day, in a non-binding referendum, the islanders voted against changing the two-constituency system under which the Councillors were elected to a single constituency system. A new Governor, Howard Pearce, took over from the outgoing Governor, Donald Lamont, in December 2002.[2]

B. Political developments in 2002

4. Details of political developments from January to April 2002 are to be found in the 2002 working paper prepared by the Secretariat (A/AC.109/2002/16, paras. 4-14).

5. On 16 May 2002, the Governments of Argentina and the United Kingdom issued a joint press release on the occasion of the exchange of letters regarding visits of Argentine nationals to South Georgia and South Sandwich Islands which, inter alia, stated the following:

> "The visits by Argentine nationals to these islands will take place under the formula on sovereignty in paragraph 2 of the Joint Statement issued at Madrid on 19 October 1989 which protects the respective positions of the United Kingdom and Argentina concerning sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and

surrounding maritime areas. The formula applies to these visits as well as to all acts necessary for the visits to take place."

6. On 10 June 2002, the Government of Argentina issued the following press communiqué:

"On 10 June, the Day of Affirmation of Argentine Rights to the Malvinas Islands and the Antarctic Sector, the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and Islands Adjacent to Cape Horn in the Atlantic Ocean in accordance with the decree of the Interim Governor of Buenos Aires Province, Brigadier General Martín Rodríguez, in 1829.

"Since the start of its existence as an independent nation, the Argentine Republic has demonstrated, through actions of the Government, the firm political determination to exercise effective sovereignty over the southern territories and maritime areas inherited from Spain.

"That effective exercise of sovereignty was interrupted on 3 January 1833 when British forces occupied the Malvinas Islands, expelling the Argentine inhabitants and authorities established there. Since then, Argentine citizens have been prevented from freely settling or owning land in those territories.

"The people and Government of Argentina never consented to that act of force, and today, as in the past, they reaffirm their constant and unwavering determination to regain the exercise of sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas through the peaceful means of diplomatic negotiations in accordance with the many appeals made by the international community.

"Argentina's claim has traditionally been supported by the countries of our region and by major international organizations, including the General Assembly of the United Nations and the General Assembly of the Organization of American States. These forums have repeatedly called upon the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to resolve the sovereignty dispute definitively and in a peaceful manner.

"On this important occasion, the Argentine Government reaffirms its constant readiness to engage in dialogue with the United Kingdom in order to resume negotiations with a view to finding, as soon as possible, a just and definitive solution to the unresolved sovereignty dispute."

7. By a letter dated 8 October 2002 addressed to the Secretary-General, the Permanent Representative of Argentina referred to the White Paper on "Partnership for Progress and Prosperity: Britain and the Overseas Territories" annexed to document A/AC.109/1999/1 and Corr.1. In that letter the Permanent Representative reiterated his Government's "rejection of this 'White Paper' insofar as it refers to the Malvinas, South Georgia and South Sandwich Islands" (see A/57/461). Likewise, on 11 December 2002, the Argentine delegation explained its position with regard to resolution 57/138 reiterating its rejection of the "White Paper" and recalling that "in the special and particular colonial situation in the 'Question of the Malvinas Islands', the principle of territorial integrity is to be applied so as to

prevent any attempt aimed at disrupting the national unity and territorial integrity of the Argentine Republic".

8. On 4 and 5 November 2002, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Carlos F. Ruckauf, paid an official visit to the United Kingdom. On that occasion he referred to the question of the Falkland Islands (Malvinas) stating that "regardless of who might be in the Government in Argentina, the country will continue with its claim of sovereignty over the islands through diplomatic means".

9. During the period under review, and in the framework of the COSPAS-SARSAT satellite system for assistance in maritime and aerial search and rescue, Argentina, the United Kingdom and Chile reached an agreement on the transfer from Chile to Argentina of the informative responsibility in the South West Atlantic, including the Falkland Islands (Malvinas), as from 1 December 2002. On that date, the Argentine segment of the said system entered into full operational capacity.

10. In a New Year's message broadcast to the Islands on BBC on 20 December 2002, the Prime Minister of the United Kingdom, Tony Blair, declared:

> "...
>
> "This year in particular has provided an opportunity for remembrance of all who lost their lives in the [Falklands] conflict. The commemoration events have touched many on the Islands and beyond, culminating in the Duke of York's recent visit and his personal gesture of reconciliation in laying wreaths at both the British and Argentine cemeteries. The ground was, of course, prepared beforehand in a profound gesture of reconciliation by your Government earlier in the year in their approval of plans for a memorial to the Argentine war dead at Darwin.
>
> "Events such as these, and the personal pilgrimage by members of the South Atlantic Medal Association in November, have also highlighted the close bonds between those who fought in the conflict and those who endured it.
>
> "The Falkland Islands have a bright future. This year the international community has seen that the Falklands is a prosperous, vibrant and self-confident community. Your new Governor has spoken of an entrepreneurial spirit in the Islands — of new opportunities, and of young people eager to return after completing their education in the United Kingdom. You recognize the importance of economic diversification.
>
> "The Islands Plan provides an admirable strategy for the continued development of a sustainable economy, protection of the environment, and improvements to your quality of life. You have achieved so much in recent years and I am sure that your prudent management of affairs will continue to provide a secure platform for future generations.
>
> "The United Kingdom's relations with Argentina are good and we continue to work to improve them. I therefore hope that practical cooperation and mutual understanding between the Falklands and Argentina can be further developed where this is in the interests of the Islands and in accordance with the wishes of the people.

"But I recognize that the partnership between the Falkland Islands and the United Kingdom is vital to your continued prosperity and security and that your confidence in dealing with your neighbours will be enhanced in the secure knowledge of the guarantees I have given of my Government's commitment to your self-determination and sovereignty. ..."

11. By a letter dated 19 December 2002, addressed to the Secretary-General, the Permanent Representative of the United Kingdom referred to the letter from the Permanent Representative of Argentina (A/57/461) regarding the "White Paper" (see para. 7 above). In its response (see A/57/700) the United Kingdom stated that it had "no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The nomenclature applied to Overseas Territories ... does not alter the status of those territories".

12. By a letter dated 3 January 2003, addressed to the Secretary-General, the Permanent Representative of Argentina transmitted a press release issued that day by his Government on the occasion of "the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland" (see A/57/704 and annex).

13. By a letter dated 3 January 2003, addressed to the Secretary-General, the Permanent Representative of the United Kingdom responded to the letter from the Permanent Representative of Argentina referred to in paragraph 12 above. In its response, the United Kingdom rejected "as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom" (see A/57/708).

III. Mine clearance

14. On 11 October 2001, in accordance with the commitments made by the Governments of Argentina and the United Kingdom in the Action Agenda of 28 October 1998 and the joint statement of 14 July 1999 regarding their cooperation on mine clearance in the Falkland Islands (Malvinas), the two Governments exchanged notes regarding the carrying out of a feasibility study on demining in the Islands, under the formula on sovereignty and within the framework of the Ottawa Convention of 1997 on anti-personnel mines. Accordingly, on 3 and 4 December 2001, the Joint Working Group held its first meeting in Buenos Aires on the conduct of the aforementioned feasibility study. At the meeting the general objectives of the studies were discussed as well as their technical, organizational and financial aspects. Some practical measures and tasks were agreed that would be carried out with a view to advancing the preparation of the study.

15. According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometres and containing 16,600 mines. In October 2002, the local media reported that island authorities were in the early stages of negotiating an understanding with the military regarding civilian maintenance of mine field fences.[3]

IV. Economic conditions

A. General

16. According to the administering Power, the pace of economic development has accelerated dramatically since 1982. In 1984, the Falkland Islands Development Corporation was formed to encourage the development of a private sector. This rapid growth resulted initially from the influx of British Government aid, but subsequently from the development of fisheries. The size of the fisheries' revenues and their subsequent investment have enabled improvements to be made in the infrastructure and the promotion of tourism and other enterprises, which will help to diversify the economy. The basic challenge is to increase economic security through diversification, including further development of tourism and diversification of agricultural production.

B. Public finance

17. The Territory's financial year runs from 1 July to 30 June. In 2001/2002, the revised estimate for total revenue was £43 million, of which more than half (£22.8 million) came from fisheries. Other sources of revenue were taxation (£5.3 million), investment income (£4.5 million) and those derived from public works (£4.2 million). During the same period, the revised estimate for total expenditure was £51.8 million. Government assets in 2002 stood at £163 million, of which £74 million was in special reserve funds for insurance and pension purposes.

18. The territorial Government has continued to work for improved long-term planning and budget processes in order to strengthen financial management and control systems through computerization. The recent introduction of resource accounting was expected to enable management to identify the cost of the capital employed and to keep account of the value of the public investment in equipment and infrastructure throughout its useful life. The objective is to move from a money-led to a needs-led budget.

C. Agriculture, land tenure and livestock

19. Detailed information on agriculture, land tenure and livestock is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11). A new abattoir opened in July 2001 and received European Union certification on 12 December 2002. According to information provided by the administering Power, the completion of the abattoir is considered a major step towards agricultural diversification, allowing farmers to supplement poorly performing wool production with higher-earning exportable meat production. The Islands are close to having organic status over most of their land area. The territorial Government is encouraging farmers to move towards organic agriculture in order to specialize in the production of organic meat for export.

D. Fisheries

20. Loligo and Illex squid are the mainstay of the territorial fisheries and economy. In addition to the two squid species, a number of finfish are targeted, including blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fishery. The South Atlantic Fisheries Commission, which was established by Argentina and the United Kingdom through the joint statement of 28 November 1990, has met regularly and worked without interruption since then for the conservation of fisheries resources in that area.

21. On 21 and 22 March 2002, the South Atlantic Fisheries Commission held its 21st meeting, in London. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. The British delegation was led by Alan Huckle, the head of the Overseas Territories Department of the Foreign and Commonwealth Office. The joint press statement issued at the end of the meeting was reproduced in the previous working paper (A/AC.109/2002/16, para. 24).

22. On 25 and 26 July 2002, the South Atlantic Fisheries Commission held its 22nd meeting, in Buenos Aires. The British delegation was led by Alan Huckle, the head of the Overseas Territories Department of the Foreign and Commonwealth Office. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. In a joint press statement issued at the end of the meeting, the Argentine and British delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 20th meeting, held in Mar del Plata between 22 and 24 July 2002. The Commission welcomed the continuing cooperation between the National Institute for Fisheries Research and Development (INIDEP) and the Imperial College. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations reaffirmed the importance they attached to ensuring the sustainability of fish stocks and reiterated the commitment of their Governments to the conservation of the fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. Both delegations reaffirmed their support for the Early Warning System and agreed that the exchange of real-time data on fishing activities remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of Illex spawning stock biomass at the end of the fishing season in order to ensure stock sustainability. Both delegations noted with satisfaction that the Early Warning System had worked successfully and that their respective Governments had advanced the closing of Illex fishery for the rest of the year in order to meet the conservation target. The Commission noted the ongoing research on southern blue whiting, and that the Scientific Subcommittee had reiterated its advice on the need to keep the catches of this species within the sustainable catch limit of 56,000 tons, as recommended by the Scientific Subcommittee. The Commission agreed that a joint survey on this species, using the vessels "Oca Balda" and "Dorada", designed and supervised by

the Scientific Subcommittee would take place in September and October of 2002 to assess the southern blue whiting biomass comprehensively. The two delegations referred to further issues related to fisheries cooperation and they concurred that the timely establishment of a multilateral agreement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the South-West Atlantic. Constructive views were exchanged and both delegations resolved to pursue this issue jointly. They referred to practical measures needed to prevent poaching, which undermines fish stock conservation in the South-West Atlantic, and they agreed to enhance coordinated efforts in this regard. The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the Joint Statement of 28 November 1990 and to the area west of it. It expressed the hope of the Argentine Government that the matter would be resolved. The British delegation reiterated its position. The two parties agreed to maintain contacts through diplomatic channels to set the place and date of the next meeting of the Commission, which would be preceded, as usual, by a meeting of its Scientific Subcommittee.

23. Further meetings of the Fisheries Commission due to take place in Argentina first in November 2002 and then in March 2003 were postponed due to a continuing labour dispute at INIDEP. During that time, matters related to the Commission were resolved via diplomatic channels and a diplomatic exchange was held in Buenos Aires on 2 April 2003. The next meeting of the Commission is now scheduled to take place in London from 30 June to 4 July 2003.

E. Tourism

24. There has been a significant expansion of the Falkland Islands (Malvinas) tourist industry in recent years. The United Kingdom is currently the principal market, but the Falkland Islands Tourist Board, a department of the Falkland Islands Development Corporation, has focused efforts on developing new contacts with tour operators in the United States and Europe. According to the administering Power, visitor numbers now exceed 35,000 per year. The tourism industry offers specialized holidays for those interested in wildlife and sea trout fishing. The Islands' main tourist lodges are found at Port Howard, San Carlos, Sea Lion Island and Pebble Island. There are two hotels in Stanley.

F. Transport, communications and other basic facilities

25. Detailed information on transport, communications and other basic facilities is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11). According to the administering Power, the road network in the Falkland Islands (Malvinas) grows by some 50 kilometres per year. Currently, there are some 660 kilometres of roads, of which 10 per cent are surfaced.

26. In accordance with the provisions of the Joint Statement of 14 July 1999, the President of Argentina issued Decree 1179/02 of 4 July 2002, authorizing the airline Lan-Chile to carry out international services of passengers, cargo and mail along the route "Punta Arenas (Republic of Chile)-Puerto Argentino (Republic of Argentina)-Punta Arenas (Republic of Chile)", including a monthly stop-over in Rio Gallegos.

In this way, the non-scheduled flights that had served the above-mentioned route since 7 August 1999 were granted scheduled status.

G. Banking

27. Both British and local coinage is used, together with local currency notes. There is a parity between United Kingdom and Falkland Islands (Malvinas) currency. The Standard Chartered Bank of the United Kingdom opened a branch in Stanley in December 1983.

H. Public works

28. The Public Works Department of the territorial Government is responsible for road-building projects, municipal services, construction projects and supplying water and electricity to the residents of Stanley. Recent projects have included an extension of Stanley Infant/Junior School and the building of a new abattoir. In June 2001, the General Purposes Committee of the Falkland Islands (Malvinas) decided that the water and power utilities of the Islands should not be privatized.[4]

V. Social conditions

A. General

29. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been extended to the Falkland Islands (Malvinas) by the administering Power. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under these instruments. The common law of England applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands (Malvinas). There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been applied by the United Kingdom in the Falkland Islands (Malvinas) with the agreement of the territorial Government.

30. According to the Government of Argentina, the said declarations by the United Kingdom regarding the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands were rejected by the Government of Argentina by its declarations of 3 October 1983 and 8 August 1986 on the International Covenant on Economic, Social and Cultural Rights, of 3 October 1983, 8 August 1986 and 5 October 2000 on the International Covenant on Civil and Political Rights, and of 4 April 1989 on the Convention on the Elimination of All Forms of Discrimination against Women.

B. Public health

31. The general state of health in the Falkland Islands (Malvinas) is good. Medical and dental treatments and prescription drugs are free to all residents and to United Kingdom citizens. All medical services are based at the King Edward VII Memorial Hospital in Stanley. According to the administering Power, the 32-bed hospital provides a full range of primary care services to the civilian population, military personnel stationed in Stanley and the foreign fishing fleets around the Islands. In addition, there is a visiting medical service to outlying farm settlements. The Hospital has facilities to deal with acute medical and surgical conditions. Cases requiring specialist attention are first stabilized and then evacuated to the United Kingdom or, in emergencies, to Montevideo, Uruguay. The estimated expenditure for health and social services in 2001/2002 was £4.9 million (up from £3.8 million in 2000/2001).

32. During the period under review and upon request by a Chilean private airline, the Government of Argentina authorized five emergency air ambulance flights between the Falkland Islands (Malvinas) and Santiago, Chile.

C. Social security and welfare

33. According to the administering Power, The Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. Implementation of the Falkland Islands Pension Scheme Ordinance 1997 commenced during 1998. This scheme provides a national defined contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions under employer-employee agreements or voluntarily during their working lives and receive a pension upon retirement. A system of social welfare grants and pensions is in operation to deal with cases of hardship and disability. The social welfare budget for the financial year 2001/2002 was estimated at £396,870 plus grants, pensions and welfare payments.

D. Education

34. According to the administering Power, education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16. The local Government provides staff, equipment and supplies for education, has a primary and a secondary school in Stanley and operates four small settlement schools on large farms. In the rural areas, younger children either attend the settlement schools or are visited by one of the six travelling teachers for two weeks out of every six. There are also radio and telephone lessons available. Older children from the rural areas who attend the secondary school in Stanley live in a boarding hostel. Students above the age of 16 who qualify in exams are funded for studies in the United Kingdom. In 2002, there were 386 schoolchildren being educated in the Falkland Islands (Malvinas), and 4 pupils were being educated in the United Kingdom. According to the administering Power, estimated illiteracy in the Islands of the total population aged 20 years and over was 0.5 per cent.

E. Other developments

35. During the period under review, there were private contacts between the inhabitants of the Territory and continental Argentina. Among these contacts, an Argentine veterinarian from the Universidad Nacional de La Plata conducted a study in the Territory in June 2002 as part of his investigation of the feeding habits of penguins.[5] James Peck, an artist from the Islands, participated in the Fifth Exhibition and sale of Argentine Contemporary Art, held in Buenos Aires from 21 to 25 November 2002.

VI. Participation in international organizations and arrangements

36. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Representatives of this Government have participated, as members of the United Kingdom delegation, in discussions on matters affecting their interests, such as those leading to the 14 July 1999 joint statement. In September 2002, a representative of the Falkland Islands (Malvinas) attended a conference of the Overseas Countries and Territories of the European Union, held in Bonaire, Netherlands Antilles.[6]

VII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

37. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th meeting, on 19 June 2002. At that meeting, the Special Committee decided to accede to the request of Argentina, Brazil, Paraguay, Peru and Uruguay to participate in the consideration of the item. At the same meeting, in accordance with a previous decision taken by the Special Committee at its 6th meeting, statements were made by Norma Edwards and Philip Miller of the Legislative Council of the Falkland Islands (Malvinas), Alejandro Jacobo Betts and James Douglas Lewis (see A/AC.109/2002/SR.8).

38. At the same meeting, the representative of Chile, on behalf of Bolivia, Cuba and Venezuela introduced a draft resolution on the item (A/AC.109/2002/L.12), saying that the text was a further contribution to the efforts to achieve a peaceful, just and long-term settlement of the long-standing dispute between Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas). His country was firmly convinced that a peaceful negotiated settlement was the only way to resolve the problem. Thus, Chile called once more for the immediate implementation of General Assembly resolution 2065 (XX) and others by which Argentina and the United Kingdom were invited to resume negotiations on the matter and also called for the current draft resolution to be adopted by consensus.

39. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic, Carlos Ruckauf, stated inter alia:

> "... this Special Committee ... has under consideration a question of colonial origin of fundamental importance to the Argentine Republic, namely, the dispute concerning sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.
>
> "The Argentine Government is committed to recovering these archipelagos and maritime areas, which form an integral part of our national territory. To achieve full exercise of sovereignty, through the peaceful means of diplomatic negotiations, is a goal enshrined in our national Constitution, along with respect for the way of life of the inhabitants of the islands.
>
> "... The Malvinas Islands were occupied in 1833 by the United Kingdom, which in the process expelled by force the Argentine inhabitants and authorities established there and replaced them with British subjects. Ever since, the Argentine Republic has continued to call for the restitution of this integral part of its national territory from the occupying Power and before the international community.
>
> "The passage of time has not and cannot weaken this just claim. We are convinced that the pending negotiations will enable us to find a solution to this prolonged dispute. In that regard, the Argentine Government once again reaffirms its complete willingness to resume negotiations with the United Kingdom in accordance with the provisions of the relevant resolutions of this Special Committee and the General Assembly.
>
> "As is well known and was mentioned earlier, the General Assembly, in its resolution 2065 (XX), recognized that a colonial situation existed on the Malvinas Islands and recommended that it should be brought to an end in a manner that would reconcile respect for the territorial integrity of the Argentine Republic with recognition of the interests of the inhabitants of the islands. This is what we have been calling for.
>
> "Furthermore, this Special Committee has on repeated occasions requested both Governments to consolidate the current process of dialogue through the resumption of bilateral negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute. Notwithstanding such pronouncements, the United Kingdom has not shown itself willing to resume dialogue on the substantive issue. My Government regrets this attitude on the part of the British and trusts that it will be reconsidered."

40. Also at the 8th meeting of the Committee, the representative of Peru stated that the Falkland Islands (Malvinas) question should be resolved by addressing the sovereignty dispute according to General Assembly resolutions 2065 (XX) and 3160 (XXVIII). He recalled that Peru had participated in mediation efforts during the 1982 conflict and that the Eleventh Ibero-American Summit, held in Lima in 2001, had called for both parties to resolve the matter, taking into account the principle of territorial integrity. He called for resumed negotiations between Argentina and the United Kingdom. The representative of China appealed to the Governments of Argentina and the United Kingdom to continue their dialogue for a rapid and peaceful settlement of the dispute as called for in many resolutions. The representative of Syria supported the Committee's resolutions calling on both

Governments to resume negotiations for a speedy solution to their sovereignty dispute. He expressed satisfaction with the statement by the representative of Argentina, regarding the Government's readiness to engage in dialogue with the United Kingdom and to respect the interests of the islanders. The representative of Brazil, speaking on behalf of the members of the Common Market of the South (MERCOSUR), as well as Bolivia and Chile, stated that the only way to solve the colonial situation of the Falkland Islands (Malvinas) was through a peaceful and negotiated settlement of the sovereignty dispute. He reiterated MERCOSUR's support for Argentina's legitimate rights in the matter, recalled the Declaration of the Meeting of Presidents of South America in 2000, expressed satisfaction over the positive developments described in A/AC.109/2002/16, but lamented that resolutions calling for negotiations on all aspects of the future of the Territory had not been implemented. The representative of Paraguay reaffirmed his country's firm support for Argentina on the issue of the Falkland Islands (Malvinas). He noted with satisfaction that Argentina and the United Kingdom were strengthening their political, commercial and cultural links but added that there was no reason to delay further the resolution of the sovereignty dispute. The representative of Uruguay affirmed that the only grounds on which the United Kingdom laid claim to the Falkland Islands (Malvinas) was by an act of force committed against a sovereign territory of Argentina. Legally, historically, geographically and geologically, the Islands were Argentinian. All that remained was for both Governments to begin peaceful negotiations to normalize the situation, in accordance with resolutions of the General Assembly and the Organization of American States, for the benefit of all parties, including the inhabitants of the Islands. The representative of Indonesia noted the Committee's view that no one model of decolonization could be applied to all cases. Despite the many resolutions adopted on the Falkland Islands (Malvinas) question, no final solution had been achieved. While his Government appreciated the recent advances in bilateral relations between Argentina and the United Kingdom, the question would only be resolved through peaceful means, in compliance with relevant resolutions and international law. The representative of Sierra Leone affirmed that colonialism in any form was incompatible with the Charter of the United Nations, reiterated that the islanders must be allowed to exercise their right to self-determination and expressed the hope that the United Kingdom and Argentina would consolidate the process of dialogue to resolve the dispute. The representative of the Russian Federation expressed support for the draft resolution and satisfaction that a consensus had been reached. It remained essential to resolve the dispute through bilateral negotiations in accordance with the relevant General Assembly resolutions. The representative of Papua New Guinea said that the issue was very delicate. While Argentina and the United Kingdom should resolve the sovereignty issue through constructive negotiations, it was essential that the opinion of the islanders about the future status of the Territory should be ascertained. The representative of Ethiopia called on Argentina and the United Kingdom to resume talks for a peaceful settlement of the issue, in accordance with the Charter and General Assembly resolutions, while bearing in mind the interests of the inhabitants of the Islands. The representative of Iraq said that his country supported Argentina's right to sovereignty over the Falkland Islands (Malvinas) and he regretted that, despite the appeals made for the resumption of negotiations between Argentina and the United Kingdom, the relevant resolutions on the issue had not yet been implemented. The representative of Cuba said that his delegation fully supported the legitimate right of Argentina in the dispute over the Falkland

Islands (Malvinas), and stated that only continuing dialogue between Argentina and the United Kingdom could lead to the peaceful solution of the issue. The representative of Venezuela expressed her country's full support for the legitimate right of Argentina in the sovereignty dispute, and called for a resumption of bilateral negotiations to resolve the matter. The representative of Fiji noted improvements in relations "between the people of the Falkland Islands (Malvinas) and Argentina, as well as between the United Kingdom and Argentina", and called for the two States to resolve the question, bearing in mind the interests of the islanders and in accordance with relevant resolutions. The representative of Côte d'Ivoire stated that his country had friendly relations with both States in the dispute. At the heart of the matter were questions of sovereignty and self-determination. He called on both parties to act resolutely to resolve the problem. The representative of Bolivia expressed his country's support of the legitimate rights of Argentina in the question of the Falkland Islands (Malvinas) and also its support for the prompt resumption of negotiations to settle the sovereignty dispute. As a co-sponsor of the draft resolution, he hoped that it would be adopted by consensus. The representative of Grenada joined the consensus and noted the complexities of the sovereignty dispute. He hoped that when a serious dialogue on the matter began, the concerns of the islanders would be taken into consideration. The representative of Antigua and Barbuda said that he was pleased to note that Argentina and the United Kingdom were cooperating with one another and ensuring the continued safety and development of the islanders. The Committee was the conduit through which the interests of the parties were served. He wished the islanders success in their endeavours.

41. The Special Committee adopted the resolution without a vote (A/AC.109/2002/25).

B. Position of the Government of Argentina

42. On 17 September 2002, during the general debate at the fifty-seventh session of the General Assembly, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Carlos F. Ruckauf, stated the following:

> "As the General Assembly knows well, the Argentine Republic has a sovereignty dispute with the United Kingdom over the Malvinas and South Georgia and the South Sandwich Islands, as well as the surrounding maritime areas. The recovery of full sovereignty over that part of our national territory, while respecting the interests of the inhabitants and international law, is a precept enshrined in the Argentine Constitution. The issue was included in the programme of work of this Organization, which, in several resolutions, asked the Government of Argentina and the Government of the United Kingdom to resume negotiations to find a just and lasting solution to the sovereignty dispute, thus ending a colonial situation imposed by the use of force in 1833.
>
> "Today, in line with that request, Argentina once again reaffirms its positive disposition to resume bilateral negotiations with the United Kingdom to find a solution to the question and its support of the good offices mission that the General Assembly entrusted to the Secretary-General to assist the parties to achieve that goal."

C. Position of the administering Power

43. On 17 September 2002 during the 13th plenary meeting of the General Assembly (see A/57/PV.13), the representative of the United Kingdom spoke as follows in exercise of the right of reply on the issue of the Falkland Islands (Malvinas):

> "with respect to the statement made by the Minister for Foreign Affairs, International Trade and Worship of Argentina, the British Government welcomes the resolve of the Argentine Government to engage in positive bilateral exchanges with the United Kingdom concerning practical cooperation in the South Atlantic. My Government shares this resolve. We believe that such exchanges contribute further to the mutual understanding embodied in the 1999 Anglo-Argentine Joint Statement. Implementation of this Statement, which covers a range of issues concerning the South Atlantic, including air access, fisheries conservation and other confidence-building measures, shows that the United Kingdom and Argentina can manage our differences whilst developing cooperation on matters of common interest. We have continued to make steady progress in the past year.
>
> "However, we wish to recall that there is nothing in the 1999 Joint Statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands. The British Government has no doubt about its sovereignty over these territories and their surrounding maritime areas.
>
> "The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the United Nations Committee of 24 on 19 June. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. We fully support the right of self-determination, as set out in paragraph 2 of Article 1 of the Charter of the United Nations and paragraph 4 of the United Nations Millennium Declaration, and we remain committed to the right of the people of the Falkland Islands to determine their own future. There will be no change in the sovereignty of the Falkland Islands unless the islanders wish it.
>
> "This year, we commemorate the twentieth anniversary of the 1982 South Atlantic conflict and we are confident that our relations with Argentina will continue to develop in the spirit of reconciliation which marks this occasion. We believe that cooperation with Argentina on matters of mutual interest will enable us to manage our differences, whilst assisting in the development of confidence and trust in the South Atlantic."

44. On 30 September 2002, at the 2nd meeting of the Special Political and Decolonization Committee (Fourth Committee), the representative of the United Kingdom spoke in exercise of the right of reply in response to statements by the representatives of Brazil, Costa Rica and Cuba. She stated that the position of the United Kingdom was well known and had last been set out in detail by her Government in a right of reply to a statement made by the Minister for Foreign Affairs of Argentina during the general debate on 17 September 2002.

D. Contributions by other Member States

45. On 30 September 2002, during the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee), the representative of Cuba reiterated his delegation's strong support for the legitimate right of Argentina in the dispute over the sovereignty of the Falkland Islands (Malvinas) and called for dialogue and cooperation between the parties, in the interests of finding a just, peaceful and honourable resolution of the issue (see A/C.4/57/SR.2). At the same meeting, the representative of Brazil, speaking on behalf of MERCOSUR countries and the associated States of Bolivia and Chile, said that they were keen to see a resolution of the sovereignty dispute and that they hoped that the improved bilateral relations and cooperation on practical matters would lead to a resumption of negotiations on the sovereignty issue. The representative of Costa Rica, on behalf of the States members of the Rio Group, stressed the need for Argentina and the United Kingdom to resume talks to find a peaceful, just and lasting solution to the Falkland Islands (Malvinas) sovereignty dispute.

46. At the 3rd meeting of the Fourth Committee, on 1 October 2002 (see A/C.4/57/SR.3), the representative of Bolivia reiterated the "Declarations on the Malvinas Islands" adopted during the 1996 and 1999 meetings of the Presidents of States members of MERCOSUR and of Bolivia and Chile, and expressed the hope that bilateral negotiations would resume to resolve the matter. The representative of Venezuela expressed her country's support for the Argentine Republic's claim to sovereignty over the islands and called on both parties to hold talks so as to arrive at a fair resolution of the dispute. She added that the very high-level dialogue and recent cooperation between the Governments of Argentina and the United Kingdom might create the necessary conditions for such negotiations. At the 6th meeting of the Fourth Committee, on 4 October 2002 (see A/C.4/2002/SR.6), the representative of the Congo said that his delegation hoped to see a peaceful and negotiated settlement of the sovereignty dispute over the Falkland Islands (Malvinas) and urged the Governments of Argentina and the United Kingdom to make every effort to achieve it.

E. Action by the General Assembly

47. At its 47th plenary meeting, on 11 November 2002, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas)" and to include it in the provisional agenda of its fifty-eighth session (decision 57/511).

F. Consideration by other intergovernmental organizations and international forums

48. On 4 June 2002, the General Assembly of the Organization of American States (OAS), meeting in Barbados, adopted a Declaration on the Question of the Malvinas Islands, by which it considered that the matter was of enduring hemispheric concern; expressed its satisfaction with the resumption of diplomatic relations between Argentina and the United Kingdom of Great Britain and Northern Ireland;

emphasized the excellent state of their bilateral relations; welcomed with satisfaction that the Governments of both countries continued to reinforce political, trade and cultural ties, and were also engaging in close cooperation both bilaterally and in international forums; welcomed the reaffirmation of the will of the Government of Argentina to continue exploring all possible avenues for peaceful settlement of the controversy and its constructive approach towards the inhabitants of the Falkland Islands (Malvinas); reaffirmed the need for the Governments of Argentina and the United Kingdom to begin negotiations as soon as possible on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy; and decided to continue to examine the question of the Falkland Islands (Malvinas) at its subsequent sessions until a definitive settlement was reached thereon.

49. At the same meeting of OAS, the Minister for Foreign Affairs, International Trade and Worship of Argentina stated, inter alia, that:

> "The people and Government of Argentina are constantly seeking the peaceful and negotiated recovery of the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, which form an integral part of its national territory. Any Government of Argentina at any time will reassert our right to sovereignty, because of the profound conviction of the Argentine people, as well as for historical and legal reasons.
>
> "... the Argentine Government, through my intermediary, reaffirms once again its willingness to resume a dialogue with the United Kingdom concerning the dispute and thus to comply with the provisions of the relevant resolutions of the United Nations and the Organization of American States in the search for an early solution."

50. During the above-mentioned session of the OAS, the delegations of Brazil, Chile, Paraguay, Peru, Mexico, Nicaragua, Uruguay, Bolivia and Venezuela addressed the General Assembly in support of the Argentine position in the dispute over sovereignty.

51. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) by the OAS was stated in a letter dated 13 November 1995 from the Permanent Observer Mission of the United Kingdom to OAS addressed to the Chairman of the Permanent Council of OAS:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to the preamble and operative paragraph 1 of resolution 655 (104/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

52. At the twelfth Ibero-American Summit, held in Bávaro, Dominican Republic from 15 to 16 November 2002, the Heads of State and Government of the Ibero-American countries adopted the following Declaration on the Malvinas Islands:

"The Heads of State and Government of the Ibero-American countries, meeting in Bávaro, Dominican Republic, on the occasion of the twelfth Ibero-American Summit, reaffirm the need for the Government of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, the negotiations aimed at finding an early solution to the sovereignty dispute relating to the question of the Malvinas Islands, in accordance with the resolutions of the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of territorial integrity."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 15 January and 14 February 2003, as well as from official documents of the Government of Argentina.

[2] *Penguin News*, 13 December 2002.

[3] Ibid., 25 October 2002.

[4] Ibid., 6 July 2001.

[5] Ibid., 13 June 2002.

[6] Final Declaration of the Overseas Countries and Territories of the European Union 2002 Ministerial Conference, Bonaire (Netherlands Antilles), 18 September 2002.